

3977. Misbranding of "Old Jim Fields Phosphate Dill and Gin." U. S. v. Henry Allenberg and Joseph Meister (Allenberg & Meister). Plea of guilty. Fine, \$25 and costs. (F. & D. No. 6029. I. S. No. 4574-e.)

On January 16, 1915, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Henry Allenberg and Joseph Meister, trading under the firm name of Allenberg & Meister, Memphis, Tenn., alleging shipment by said defendants, in violation of the Food and Drugs Act, as amended, on or about April 21, 1913, from the State of Tennessee into the State of Arkansas, of a quantity of "Old Jim Fields Phosphate Dill and Gin," so called, which was misbranded. The product was labeled: (On bottle) "Old Jim Fields Phosphate Dill and Gin Mankind's Greatest Friend A Sure Cure For Bladder and Kidney Trouble It is also a Great Aid in Case of Urinary Trouble. Allenberg & Meister Sole Agents Memphis, Tenn."

Analysis of a sample of the product by the Bureau of Chemistry of this department showed the following results:

Alcohol (per cent by volume)..... 41.20
Reaction very faintly acid.
No odor of dill recognized.
Solids by evaporation (grams per 100 cc)..... 0.0008

Total phosphate: No precipitate from 100 cc. Yellow color by ammonium molybdate solution. These results show that the product contains no material amount of either dill or phosphate.

Misbranding of the product was alleged in the information for the reason that the following statements regarding the therapeutic or curative effects thereof appearing on the label aforesaid, to wit, "Mankind's Greatest Friend A Sure Cure For Bladder and Kidney Trouble," were false and fraudulent, in that the same were applied to said article knowingly and in reckless and wanton disregard of their truth or falsity, so as to represent falsely and fraudulently to the purchasers thereof and create in the minds of purchasers thereof the impression and belief that it was, in whole or in part, composed of or contained ingredients or medicinal agents effective, among other things, as a sure cure for bladder and kidney trouble, when, in truth and in fact, said article was not, in whole or in part, composed of and did not contain ingredients or medicinal agents effective, among other things, as a cure for bladder and kidney trouble.

Misbranding was alleged for the further reason that the following statement, appearing on the label aforesaid, to wit, "Old Jim Fields Phosphate Dill and Gin," was false and misleading, in that it indicated to the purchasers thereof that said article of drugs contained substantial amounts of phosphate, dill, and gin, when, in truth and in fact, it did not contain substantial amounts of phosphate and dill, but contained little, if any, phosphate and dill.

Misbranding was alleged for the further reason that the article contained 41.20 per cent of alcohol by volume, and the package failed to bear a statement on its label of the quantity or proportion of alcohol contained therein.

On April 12, 1915, the defendants entered a plea of guilty to the information, and the court imposed a fine of \$25 and costs.

C. F. MARVIN, *Acting Secretary of Agriculture.*

WASHINGTON, D. C., July 17, 1915.